

ORDINANCE NO. G-2014-22 INTRODUCED BY: Stephanie Brinkerhoff-Riley
PETITIONERS: Cates Development, LLC; EPM Holdings, LLC; and Gary William Harris

AN ORDINANCE TO VACATE 4 CERTAIN PUBLIC RIGHT-OF-WAYS: 1) all of the 12' alley lying south of Lots 2-6 and north of Lots 7-11 in Block 2 of Weyland Place as per plat thereof, recorded in Plat Book D, Page 46 ; 2) all of the 12.36' alley lying east of Lot 7 in Block 2 of Weyland Place as per plat thereof, recorded in Plat Book D, Page 467; 3) all of the 60' right of way for Oregon Street granted in Weyland Place, as per plat thereof, recorded in Plat Book D, Page 467; and 4) all of the 20 foot right of way for Oregon Street opened by Declaratory Resolution No. 4-1930 of record in Vacate and Opening Book 2, Page 154:

WITHIN THE CITY OF EVANSVILLE, INDIANA, COMMONLY KNOWN AS 800 E. Oregon St.

BE IT ORDAINED by the Common Council of the City of Evansville, Indiana, as follows, to-wit:

Section I. That pursuant to MCE Section 12.05.450, a sworn petition, was presented to the Common Council of the City of Evansville, requesting that the platted rights-of-ways described in Section III, below, be vacated by the City of Evansville.

Section II. That after due and proper notice, a timely public hearing was convened by the Common Council, at which time all interested persons were permitted to address the Common Council regarding said vacations.

Section III. That the Common Council of the City of Evansville, after due investigation and consideration, has determined that the nature and extent of the public use and the public interests to be subserved are such as to warrant the vacation of that part of the platted RIGHTS-OF-WAYS described as follows, and further indicated by the words "To Be Vacated" on the drawing hereto attached, which is made a part of this Ordinance:

PARCEL 1: (Contains the 12' and the 12.36' alleys noted above)

The 12' alley lying north of Lots 7, 8, 9, 10, and 11 in Block 2 of Weyland Place, as per plat thereof, recorded in Plat Book D, Page 467 in the office of the Recorder of Vanderburgh County, Indiana and the 12.36 foot alley lying east of said Lot 7 in Block 2 of said Weyland Place, being more particularly described as follows:

Beginning at the Northwest corner of said Lot 11; thence along the east line of Evans Avenue, North 00 degrees 42 minutes 50 seconds East 12.00 feet; thence along the north line of said alley, South 89 degrees 40 minutes 55 seconds East 137.36 feet to a point on the east line of said 12.36 foot alley; thence along said east line, South 00 degrees 42 minutes 50 seconds West 142.06 feet to the southeast corner of said alley, being on the north line of platted Oregon Street; thence along said north line of Oregon Street, North 89 degrees 40 minutes 55 seconds West 12.36 feet to the southeast corner of said Lot 7; thence along the east line of said Lot 7, North 00 degrees 42 minutes 50 seconds East 125.06 feet to a corner of said Lot 7; thence North 44 degrees 29 minutes 03 seconds West 7.05 feet to a corner of said Lot 7; thence along the north line of said Lots 7, 8, 9, 10, and 11, North 89 degrees 40 minutes 55 seconds West 120.00 feet to the point of beginning containing 3268 square feet, (0.08 acres)

PARCEL 2

The 60' foot right of way for Oregon Street platted in Weyland Place, as per plat thereof, recorded in Plat Book D, Page 467 in the office of the Recorder of Vanderburgh County, Indiana more particularly described as follows:

FILED

AUG 22 2014

J:\9000s\9000-9099\9034\Surveying 3D\Documents\Vacate Documents\9034 Ordinance-VACATE Easement.doc

Anna Widner
CITY CLERK

Beginning at the southwest corner of Lot 11 in said Weyland Place; thence along the south line and the extended south line of said Lot 11, South 89 degrees 40 minutes 55 seconds East 137.36 feet to a point on the east line of Weyland Place; thence along said east line, South 00 degrees 42 minutes 50 seconds West 60.00 feet; thence North 89 degrees 40 minutes 55 seconds West 137.36 feet to a point on the east line of Evans Avenue; thence along said east line, North 00 degrees 42 minutes 50 seconds East 60.00 feet to the point of beginning containing 8242 square feet (0.19 acres)

PARCEL 3

All of the 20 foot right of way for Oregon Street opened by Declaratory Resolution No. 4-1930 recorded in Vacate & Opening Book 2, Page 154 being part of the East Half, Northeast Quarter Section 20, Township 6 South, Range 10 West in Pigeon Township, City of Evansville, Indiana more particularly described as follows:

Commencing at the Southwest corner of said Half, Quarter Section; thence along the west line of said East Half, North 00 degrees 42 minutes 50 seconds East 712.80 feet; thence South 89 degrees 26 minutes 33 seconds East 25.00 feet to a point on the east line of Evans Avenue, said point being the point of beginning; thence continuing South 89 degrees 26 minutes 33 seconds East 137.36 feet to a point on the east line of Weyland Place; thence along said east line, South 00 degrees 42 minutes 50 seconds West 20.00 feet; thence North 89 degrees 26 minutes 33 seconds West 137.36 to a point the east line of Evans Avenue; thence along said east line, North 00 degrees 42 minutes 50 seconds East 20.00 feet to the point of beginning containing 2747 square feet (0.06 acres)

Section IV. That the vacation of said public ways described in Section III. above will be subject to the following easements and reservations:

- 1) The portion of Parcel 1 that is the 12' alley being vacated will be subject to an easement in favor of Vectren for overhead electric lines, AT&T, Time Warner Cable, and WOW Communications (Said easement to be 12' wide by 100' long)
- 2) Parcel 2 being vacated will be subject to an easement in favor of Vectren for overhead utility lines, AT&T, and Time Warner Cable. (Said easement to be 12' wide by 90' long and lying along the south line of the area to be vacated.)

Access to the existing utility facilities for the above noted companies will also be reserved.

The easements in favor of Vectren are subject to the following language:

OH electric line:

An easement 12' in width as shown on Exhibit "A" attached with the right to construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove one or more electric lines above or below ground, whether facilities are above or below ground, together with all appurtenances and appliances, fixtures or equipment as may be convenient or necessary for the transmission of electric energy, upon, over, under and across said strips of land together with the right of ingress and egress over the lands to and from said facilities in the exercise of the rights herein granted. The Company also reserves the right to trim or remove, at Company's sole discretion, any and all trees located within said strips of land, and the right to trim or remove, at Company's sole discretion, any and all trees located outside said strip of land that are of such height that in falling directly to the ground they could come in contact with said above ground facilities, and the right to remove brush or other obstructions from said strip of land.

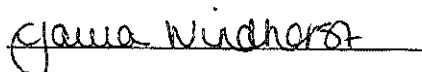
Therefore, the Common Council of the City of Evansville, Indiana, does hereby find the above-described PUBLIC RIGHT-OF-WAYS are no longer required for public use, and the public interest will be served by such vacations, and the Common Council of the City of Evansville does hereby vacate the PUBLIC RIGHTS-OF-WAYS described in Section III, above, subject to the terms and conditions as stated in this Ordinance.

PASSED by the Common Council of Evansville, Indiana, on this 22 day of September, 2014, and on said day signed by the President of said Common Council and attested to by the City Clerk.

ATTEST:



John Friend, President



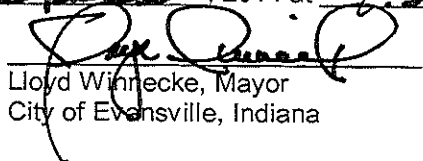
Laura Brown Windhorst, City Clerk

Presented by me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said City, the 23 day of September, 2014.



Laura Brown Windhorst, City Clerk

Having examined the foregoing Ordinance, I do now as Mayor of said City of Evansville, Indiana, approve said Ordinance, and return; same to the City Clerk this 24th day of September, 2014 at 4:30 p.m.



Lloyd Winnecke, Mayor
City of Evansville, Indiana

APPROVED AS TO FORM:
Ted Ziemer-Corporate Counsel

This instrument was prepared by Bret A. Sermersheim of Morley and Associates, Inc., 4800 Rosebud Lane, Newburgh, Indiana 47630

Cates Development, LLC
4232 Elmridge Dr.
Evansville, IN 47711

Petitioner's Mailing Address:
EPM Holding,s LL
5366 E. Sherwood Dr.
Newburgh, IN 47630

Gary William Harris
1716 S. Rotherwood Dr
Evansville, IN 47714

"I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law." Bret Sermersheim



SCALE 1" = 50'



E. Missouri Street

Fnd. 1" pipe-6" deep
I. & 0.46' E. of calc. corner

Fnd. 1-1/4" pipe-10" deep
0.14' N. & 0.13' E. of calc. corner

Block 2
Weyland Place
Plat Book D, Page 467

82-06-20-031-100.004-029
82-06-20-031-100.003-029
Cates Development LLC
Inst. # 2004R00010109

12' Platted alley (To be Vacated)
West 100' of vacated alley is to be
reserved as an easement for
existing utilities in favor of Vectren,
WOW, and AT&T

Existing overhead
utility lines

N 89°40'55" W 120.00'

N 44°29'03" W 7.05'

P.O.B. Parcel 1
Vacate 12' & 12.36' Alley

82-06-20-031-100.009-125.06'
Cates Development LLC
Inst. # 2011R0000204

N 00°42'50" E 20.00'

S 89°26'33" E 137.36'

S 89°40'55" E 137.36'

S 89°26'33" E 137.36'

N 00°42'50" E 60.00'

West 90' x 12' of Parcel 2 of
vacated r/w is to be reserved as an
easement for existing utilities in
favor of Vectren and AT&T

82-06-20-031-103.002-029
Harris, Gary William
D. Vol. 657, Pg. 512

N 89°26'33" W 137.36'(R&C)

N 89°40'55" W 137.36'

Existing overhead utility lines
Easement to be reserved

S.W. Corner E. 1/2, N.E. 1/4
Sec. 20-T6S-R10W

N 89°26'33" W

100' Platted R/W

12' Platted R/W

12.36' Platted alley-unimproved

S 0°42'50" W 142.06'

N 0°42'50" E 57.25'(R&C)

12.36' Platted alley-To Be Vacated

3,268 Sq. Ft.
0.08 Acres

3,268 Sq. Ft.
0.08 Acres

12.36' Platted alley-To Be Vacated

20' R/W for Oregon Street
per Declaratory Res. No.
4-1930 in Vacate &
Opening Book 2, Pg. 154-
North line is 712.8' north
of SW Corner, E 1/2, NE
1/4 Sec. 20-T6S-R10W
(Being Vacated)

S 00°42'50" W
20.00'

N 89°40'55" W 12.36'

S 00°42'50" W
60.00'

82-06-20-031-103.008-029
Klipsch Enterprises, LLC
D. Dr. 9, Cd. 9330

Scholz & Nolan's 2nd Addition
Plat Book G, Page 2 & 3

P.O.B. Parcel 3
20' Oregon St.
R/W to be vacated

S 89°26'33" E
25.00'

P.O.B. Parcel 2
60' Oregon St.
R/W to be vacated

E. Oregon Street

N. Evans Avenue
N 00°42'50" E 712.8' (R&C)

0.06' (R&C)

P.O.C. Parcel 3
Vacate 20' Oregon St.

Columbia Street

N 89°26'33" W

- Parcel 1-12' & 12.36' Alley to be vacated
- Parcel 2-60' Platted Oregon St. to be vacated
- Parcel 3-20' Oregon St. per Dec. Res. No. 4-1930 to be vacated
- 100'x 12' or 90'x 12' Easement to be reserved



Bret Alan Sermersheim
March 6, 2014
Revised March 19, 2014
Revised April 24, 2014



Engineering
Surveying
Architecture
Construction Management

Evansville, In
(812) 464-9585

Henderson, Ky
(270) 830-0300

Jasper, In
(812) 634-9990

Note: Access to reserved
easements is also reserved to
Vectren, WOW, and AT&T to
service their equipment.

Vacate Alley & Road R/W Exhibit
Oregon St. & Alleys in
Weyland Place
800 E. Oregon St.

Designed By:	Job Number:
?	9031.4.001A
Drawn By:	Date:
BAS	4/24/2014
Filename:	
9034 revised vacate Base.dwg	

EXHIBIT "A" (For Vectren)

SWORN PETITION FOR VACATION of the following four (4) public rights-of-ways, 1) all of the 12' alley lying south of Lots 2-6 and north of Lots 7-11 in Block 2 of Weyland Place as per plat thereof, recorded in Plat Book D, Page 46 ; 2) all of the 12.36' alley lying east of Lot 7 in Block 2 of Weyland Place as per plat thereof, recorded in Plat Book D, Page 467; 3) all of the 60' right of way for Oregon Street granted in Weyland Place, as per plat thereof, recorded in Plat Book D, Page 467; and 4) all of the 20 foot right of way for Oregon Street opened by Declaratory Resolution No. 4-1930 of record in Vacate and Opening Book 2, Page 154:

Regarding the vacation of the following four (4) public rights-of-ways, 1) all of the 12' alley lying south of Lots 2-6 and north of Lots 7-11 in Block 2 of Weyland Place as per plat thereof, recorded in Plat Book D, Page 46 ; 2) all of the 12.36' alley lying east of Lot 7 in Block 2 of Weyland Place as per plat thereof, recorded in Plat Book D, Page 467; 3) all of the 60' right of way for Oregon Street granted in Weyland Place, as per plat thereof, recorded in Plat Book D, Page 467; and 4) all of the 20 foot right of way for Oregon Street opened by Declaratory Resolution No. 4-1930 of record in Vacate and Opening Book 2, Page 154:

Cates Development, LLC (the Petitioner), EPM Holdings, LLC (the Petitioner), and Gary William Harris (the Petitioner) file this Sworn Petition for Vacation of 4 public rights-of-ways, described in 3 separate parcels to the Common Council of the City of Evansville, Indiana, in accordance with the Municipal Code of Evansville, Subchapter 12.05.450 et. seq. (the code), as follows:

1. Name and address of Petitioners: Cates Development, LLC
4232 Elmridge Dr.
Evansville, IN 47711

By: David Cates Its: Member

By: Jane Cates Its: Member

Principal place of business:
Evansville, IN
Phone: (812) 483.6040

EPM Holdings, LLC
5366 E. Sherwood Dr.
Newburgh, IN 47630

By: Ed Munoz Its: Member

Principal place of business:
Evansville, IN
Phone: (812) 204.6512

Gary William Harris
1716 S. Rotherwood
Evansville, IN 47714

By: Gary William Harris

2. Circumstances: Petitioners seek the vacation of the above noted rights of ways because they are unimproved and are not needed due to the east adjoiner having a building located up to the property line.

3. Legal Description of the rights-of-ways proposed to be vacated:

FILED

AUG 22 2014

Anna Winkner
CITY CLERK

PARCEL 1: (Contains the 12' and the 12.36' alleys noted above)

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Beginning at the Northwest corner of said Lot 11; thence along the east line of Evans Avenue, North 00 degrees 42 minutes 50 seconds East 12.00 feet; thence along the north line of said alley, South 89 degrees 40 minutes 55 seconds East 137.36 feet to a point on the east line of said 12.36 foot alley; thence along said east line, South 00 degrees 42 minutes 50 seconds West 142.06 feet to the southeast corner of said alley, being on the north line of platted Oregon Street; thence along said north line of Oregon Street, North 89 degrees 40 minutes 55 seconds West 12.36 feet to the southeast corner of said Lot 7; thence along the east line of said Lot 7, North 00 degrees 42 minutes 50 seconds East 125.06 feet to a corner of said Lot 7; thence North 44 degrees 29 minutes 03 seconds West 7.05 feet to a corner of said Lot 7; thence along the north line of said Lots 7, 8, 9, 10, and 11, North 89 degrees 40 minutes 55 seconds West 120.00 feet to the point of beginning containing 3268 square feet, (0.08 acres)

PARCEL 2

The 60' foot right of way for Oregon Street platted in Weyland Place, as per plat thereof, recorded in Plat Book D, Page 467 in the office of the Recorder of Vanderburgh County, Indiana more particularly described as follows:

Beginning at the southwest corner of Lot 11 in said Weyland Place; thence along the south line and the extended south line of said Lot 11, South 89 degrees 40 minutes 55 seconds East 137.36 feet to a point on the east line of Weyland Place; thence along said east line, South 00 degrees 42 minutes 50 seconds West 60.00 feet; thence North 89 degrees 40 minutes 55 seconds West 137.36 feet to a point on the east line of Evans Avenue; thence along said east line, North 00 degrees 42 minutes 50 seconds East 60.00 feet to the point of beginning containing 8242 square feet (0.19 acres)

PARCEL 3

All of the 20 foot right of way for Oregon Street opened by Declaratory Resolution No. 4-1930 recorded in Vacate & Opening Book 2, Page 154 being part of the East Half, Northeast Quarter Section 20, Township 6 South, Range 10 West in Pigeon Township, City of Evansville, Indiana more particularly described as follows:

Commencing at the Southwest corner of said Half, Quarter Section; thence along the west line of said East Half, North 00 degrees 42 minutes 50 seconds East 712.80 feet; thence South 89 degrees 26 minutes 33 seconds East 25.00 feet to a point on the east line of Evans Avenue, said point being the point of beginning; thence continuing South 89 degrees 26 minutes 33 seconds East 137.36 feet to a point on the east line of Weyland Place; thence along said east line, South 00 degrees 42 minutes 50 seconds West 20.00 feet; thence North 89 degrees 26 minutes 33 seconds West 137.36 to a point the east line of Evans Avenue; thence along said east line, North 00 degrees 42 minutes 50 seconds East 20.00 feet to the point of beginning containing 2747 square feet (0.06 acres)

4. Names, addresses, and zip codes of all owners of land within 200 feet of the rights-of-ways to be vacated.

See attached Exhibit "A".
5. Location Map and Site Plan
See attached Exhibit "B"
6. Copies of letters from Vectren, AT&T, Time Warner Cable, WOW Communications, Evansville Water and Sewer Utility, the Evansville City Engineer, and the Evansville Fire Department are _____ attached as Exhibits "C" through "I", inclusive.

That the above described right of ways to be vacated, based upon the comments from the above operating utilities, will be subject to the following easements and reservations:

- 1) The portion of Parcel 1 that is the 12' alley being vacated will be subject to an easement in favor of Vectren for overhead electric lines, AT&T, Time Warner Cable, and WOW Communications- (Said easement to be 12' wide by 100' long)
- 2) Parcel 2 being vacated will be subject to an easement in favor of Vectren for overhead utility lines, AT&T, and Time Warner Cable. (Said easement to be 12' wide by 90' long and lying along the south line of the area to be vacated)
- 3) Access to the existing utility facilities for the above noted companies will also be reserved.

The easements in favor of Vectren are subject to the following language:

OH electric line:

An easement 12' ft in width as shown on Exhibit "A" attached with the right to construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove one or more electric lines above or below ground, whether facilities are above or below ground, together with all appurtenances and appliances, fixtures or equipment as may be convenient or necessary for the transmission of electric energy, upon, over, under and across said strips of land together with the right of ingress and egress _____ over the lands to and from said facilities in the exercise of the rights herein granted. The Company also reserves the right to trim or remove, at Company's sole discretion, any and all trees located within said strips of land, and the right to trim or remove, at Company's sole discretion, any and all trees located outside said strip of land that are of such height that in falling directly to the ground they could come in contact with said above ground facilities, and the right to remove brush or other obstructions from said strip of land.

IN WITNESS THEREOF, the undersigned has caused this petition to be executed this 5th day
of August, 2014.

Cates Development, LLC

By: David Cates

Printed: DAVID CATES

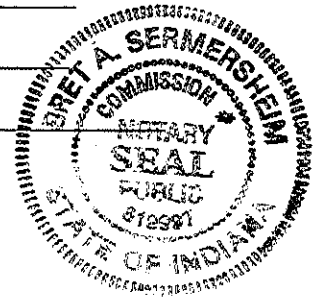
Its: MEMBER

By: Jane Cates

Printed: JANE CATES

Its: MEMBER

State of Indiana)
County of WARRICK) SS



Before me, the undersigned Notary Public in and for said county and state, personally appeared
the above named David Cates and Jane Cates they
being first duly sworn by me upon their oath, says that the facts alleged in the foregoing Affidavit are
true.

Signed and sealed this 5th day of August, 2014

Bret A. Sermersheim
Notary Public
Bret A. Sermersheim
(printed name)

My commission expires:

August 5, 2018

The county of my residence
is Vanderburgh County, Indiana

EPM Holdings, LLC

By: Ed P. Munoz

Printed: Ed P. Munoz

Its: Member

State of Indiana

County of Vanderburgh) SS

Before me, the undersigned Notary Public in and for said county and state, personally appeared the above named Ed Munoz and N/A they being first duly sworn by me upon their oath, says that the facts alleged in the foregoing Affidavit are true.

Signed and sealed this 14 day of August, 2014

[Signature]
Notary Public
Tony W. Fehrer
(printed name)

My commission expires:

03/21/19

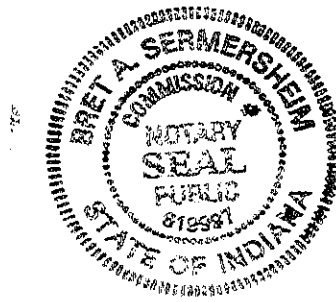
The county of my residence
is Vanderburgh County, Indiana

IN WITNESS THEREOF, the undersigned has caused this petition to be executed this ____ day
of _____, 2014.

Gary William Harris

IN WITNESS THEREOF, the undersigned has caused this petition to be executed this 5th day of August, 2014.

Gary William Harris
Gary William Harris



State of Indiana)
County of Warrick) SS

Before me, the undersigned Notary Public in and for said county and state, personally appeared the above named Gary William Harris, he being first duly sworn by me upon their oath, says that the facts alleged in the foregoing Affidavit are true.

Signed and sealed this 5th day of August, 2014

Bret A. Sermersheim
Notary Public
Bret A. Sermersheim
(printed name)

My commission expires:

August 5, 2018

The county of my residence
is Vanderburgh County, Indiana

82-06-20-031-100.009-029
82-06-20-031-103.001-029
EPM Holdings, LLC
5366 E. Sherwood Dr.
Newburgh, IN 47630

82-06-20-031-103.008-029
Klipsch Enterprises LLC
P. O. Box 4537
Evansville, IN 47724

82-06-20-031-103.002-029
Harris, Gary William
1716 S. Rotherwood
Evansville, IN 47714

82-06-20-025-100.016-029
Flagstar Bank
5151 Corporate Drive
Troy, MI 48098

82-06-20-025-100.010-029
Welcome Management LLC
9000 Cleveland Rd.
Poseyville, IN 47633

82-06-20-025-100.013-029
Martin, Tom C.
737 E. Oregon St.
Evansville, IN 47711

82-06-20-025-099.019-029
Schindler, Charles E. &
722 E. Oregon St.
Evansville, IN 47711

82-06-20-025-099.012-029
Slayton, Lara B.
723 E. Missouri St.
Evansville, IN 47711

82-06-20-025-099.016-029
Dog Investments LLC
2800 E. Riverside Dr.
Evansville, IN 47714

Adjoiners' List
9034.4.001A
August 5, 2014

82-06-20-031-100.003-029
82-06-20-031-100.004-029
Cates Development LLC
4232 Elmridge Dr.
Evansville, IN 47711

82-06-20-031-103.004-029
Daugherty, Clayton A.
915 N. Evans Ave.
Evansville, IN 47711

82-06-20-025-100.014-029
Tooley, Stephen A. & Mary J.
4706 Bergdolt Rd.
Evansville, IN 47711

82-06-20-025-100.008-029
Hilakos, William Trustee
6700 S. Davis Rd.
Mt. Vernon, IN 47620

82-06-20-025-100.011-029
Thurston, Jerold W. & Hart, Michael T.
J/T/R/S
729 E. Oregon St.
Evansville, IN 47711

82-06-20-025-099.017-029
Delano Properties LLC
320 E. Buena Vista Rd.
Evansville, IN 47711

82-06-20-025-099.020-029
D & P, LLC % Dilip D. Patel
1309 Carousel Ct.
Evansville, IN 47715

82-06-20-025-099.014-029
Pruiett, Dennis J. & Saralee H/W
816 Sunset Ave.
Evansville, IN 47713

82-06-20-025-099.013-029
Southwest Indiana Homes LLC
12901 Pine Valley Ct.
Evansville, IN 47725

82-06-20-031-099.006-029
82-06-20-025-098.012-029
Ideal, American Dairy
1100 N. Broadway
Carlinville, IL 62626

82-06-20-031-103.003-029
Harriett Street LLC
P. O Box 4537
Evansville, IN 47724

82-06-20-025-100.015-029
82-06-20-025-100.017-029
Ad Real Estate Investments LLC
2816 Tiara Ln.
Evansville, IN 47711

82-06-20-025-100.009-029
Red Enterprises Group LLC
109 E. 17th St. Ste 4456
Cheyenne, WY 82001

82-06-20-025-100.012-029
Hilakos, William
6700 S. Davis Rd.
Mount Vernon, IN 47620

82-06-20-025-099.018-029
Zaricki, Robert J.
724 E. Oregon St.
Evansville, IN 47711

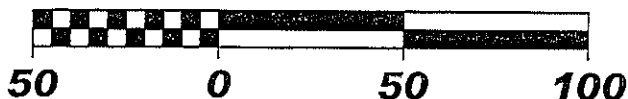
82-06-20-025-099.011-029
Trip Investments LLC
246 E. Buena Vista Dr.
Evansville, IN 47711

82-06-20-025-099.015-029
Rent A Home Corporation
P.O. Box 27
Patoka, IN 47666

EXHIBIT "A"



SCALE 1" = 50'



E. Missouri Street

10'(R&C)

Fnd. 1" pipe-6" deep
l. & 0.46' E. of calc. corner

15 16 17

S 0°42'50" W 130.06'(R&C)

Fnd. 1-1/4" pipe-10" deep
0.14' N. & 0.13' E. of calc. corner

Block 2
Weyland Place
Plat Book D, Page 467

82-06-20-031-100.004-029
82-06-20-031-100.003-029

Cates Development LLC
Inst. # 2004R00010109

12' Platted alley (To be Vacated)
West 100' of vacated alley is to be
reserved as an easement for
existing utilities in favor of Vectren,
WOW, and AT&T

Existing overhead
utility lines

2 2

N 0°42'50" E 12.00'

37.75'(R)

37.70'(R)

20 19 18

P.O.B. Parcel 3

20' Oregon St.

R/W to be vacated

S 89°26'33" E 25.00'

P.O.B. Parcel 2
60' Oregon St.
R/W to be vacated

E. Oregon Street

25'(R)

37.20'(R)

N. Evans Avenue
N 0°42'50" E 712.8'(R&C)

0.06'(R&C)

N 89°40'55" W 137.36'

Existing overhead utility lines

Easement to be reserved

82-06-20-031-103.002-029

Harris, Gary William

D. Vol. 657, Pg. 512

N 89°26'33" W 137.36'(R&C)

12.36' Platted alley-unimproved

N 0°42'50" W 142.06'

3,268 Sq. Ft.
0.08 Acres

12.36' Platted alley-To Be Vacated

20' R/W for Oregon Street
per Declaratory Res. No.
4-1930 in Vacate &
Opening Book 2, Pg. 154
North line is 712.8' north
of SW Corner, E 1/2, NE
1/4 Sec. 20-T6S-R10W
(Being Vacated)

S 0°42'50" W
20.00'

N 89°40'55" W 12.36'

S 0°42'50" W
60.00'

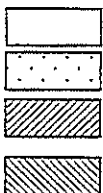
82-06-20-031-103.008-029
Klipsch Enterprises, LLC
D. Dr. 9, Cd. 9330

P.O.C. Parcel 3
Vacate 20' Oregon St.

S.W. Corner E. 1/2, N.E. 1/4
Sec. 20-T6S-R10W

Columbia Street

N 89°26'33" W



Parcel 1-12' & 12.36' Alley to be vacated

Parcel 2-60' Platted Oregon St. to be vacated

Parcel 3-20' Oregon St. per Dec. Res. No. 4-1930 to be vacated

100'x 12' or 90'x 12' Easement to be reserved

Morley and Associates Inc.

www.morleyandassociates.com

Engineering
Surveying
Architecture
Construction Management

Evansville, In
(812) 464-9585

Henderson, Ky (270) 830-0300
Jasper, In (812) 634-9990

Note: Access to reserved
easements is also reserved to
Vectren, WOW, and AT&T to
service their equipment.

Vacate Alley & Road R/W Exhibit
Oregon St. & Alleys in
Weyland Place
800 E. Oregon St.



Bret Alan Sermerstein

March 6, 2014
Revised March 19, 2014
Revised April 24, 2014

Exhibit "B" (For Petition)

Designed By:	Job Number:
?	9031.4.001A
Drawn By:	Date:
BAS	4/24/2014
Filename:	
9034 revised vacate Base.dwg	

Exhibit A" per Vectren Letter



Vectren Energy Delivery
P. O. Box 209
Evansville, IN 47702-0209

April 25, 2014

Bret Sermersheim
Morley and Associates Inc.
4800 Rosebud Lane
Newburgh IN 47630

Re: Vacation of 12 ft alley, existing 12.36 alley, a platted 60 ft right of way for Oregon St, and a 20 ft right of way for Oregon St also known as 800 E Oregon.

Petitioner: Cates, LLC and EPM Holdings, LLC

Dear Mr. Sermersheim:

Southern Indiana Gas and Electric Company, Inc. doing business as Vectren Energy Delivery of Indiana has researched the above location requested for vacation. There is currently an existing electric pole and wire line in two locations within the vacated area shown in attached Exhibit A, prepared by Morley and Associates job number 9031.4.001A. Therefore, the vacation request should include the following language to reserve our rights.

Southern Indiana Gas and Electric Company, Inc. d/b/a Vectren Energy Delivery of Indiana, hereinafter referred to as Company reserves the following easement rights:

OH electric line:

An easement 12 ft in width as shown on Exhibit "A" attached with the right to construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove one or more electric lines above or below ground, whether facilities are above or below ground, together with all appurtenances and appliances, fixtures or equipment as may be convenient or necessary for the transmission of electric energy, upon, over, under and across said strips of land together with the right of ingress and egress over the lands to and from said facilities in the exercise of the rights herein granted. The Company also reserves the right to trim or remove, at Company's sole discretion, any and all trees located within said strips of land, and the right to trim or remove, at Company's sole discretion, any and all trees located outside said strip of land that are of such height that in falling directly to the ground they could come in contact with said above ground facilities, and the right to remove brush or other obstructions from said strip of land.

If any of these electric facilities need relocated this will be done at the Petitioners expense.

The above rights must be reserved in the ordinance for Southern Indiana Gas and Electric Company/Vectren to approve the said vacation.

Please forward to my attention a copy of the recorded ordinance upon passing, and if you have any questions, please feel free to give us a call.

Sincerely,

Becky Merkley
Right of Way Agent
Vectren Energy Delivery of Indiana
812 491 4544

RECEIVED

APR 28 2014

Morley and Associates, Inc

Exhibit "C"



134 NW Sixth Street
Evansville, Indiana 47708

January 6, 2014

Bret Sermersheim
Morley & Associates, Inc.
4800 Rosebud Lane
Newburgh, Indiana 47630

RE: 800 E. Oregon St. Vacation – Morley Project 9034.4.001A

Bret,
AT&T Indiana has no objection to the vacation of the alley and Oregon Street right-of-way as described in your letter of December 16, 2013. AT&T requests that easements be reserved for the aerial facilities on the existing utility poles.

Please email or call me at 464-6050 if you have questions.

Regards,

A handwritten signature in black ink, appearing to read "Marc Clark".

Marc Clark
AT&T Design Engineer
mc3429@att.com

1900 N. Fares Ave
Evansville, Indiana 47711
Ph: (812)253-2755
Fax: (812) 909-0293
Cell: (812) 305-8348



March 10, 2014

Morley and Associates
Bret Sermersheim
4800 Rosebud Lane
Newburgh, IN 47630

RE: 800 E Oregon St.-Vacate of Public Ways Project No. 9034.4.004A

Dear Mr. Sermersheim,

In reference to your request to do a study regarding the above proposed vacation, Time Warner Cable has conducted a study and found that we do not have facilities along the proposed vacate area.

Time Warner Cable does not oppose to the vacation of the above mentioned area.

If you have any questions or require additional information please contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Daryl Hulsey".

Daryl Hulsey
Construction Technician
Time Warner Cable

Exhibit "E"



It's that kind of experience.

August 5, 2014

Morley and Associates Inc.
4800 Rosebud Lane
Newburgh, IN 47630

Attn: Bret Sermersheim

RE: 800 E. Oregon St. – Vacate of Public Ways Project N. 9031.4.001A

Dear Mr. Sermersheim,

The SIGECOM/WOW Outside Plant Engineering department reviewed the attached drawing labeled "Vacate Alley & Road R/W Exhibit Oregon St. & Alleys in Weyland Place". The findings of this review determined that SIGECOM/WOW has facilities located within the northern part of Parcel 1, but does not have facilities within the eastern portion of Parcel 1, as well as Parcel 2 and Parcel 3.

As a result of these findings, SIGECOM/WOW does not object to the proposed vacation and will need an easement granted in its favor for the placement and maintenance of telecommunication facilities over the West 100' area of Parcel 1. If utilities are requested to be relocated SIGECOM/WOW will relocate granting a mutually agreed upon easement for relocation and cost reimbursement plan for the SIGECOM/WOW facilities located within the subject area.

As of result of the findings of the eastern portion of Parcel 1, Parcel 2 and Parcel 3, SIGECOM/WOW does not have any objections to the vacate proposal for the subject Public Ways

This letter granted by Wideopenwest for said vacation is valid for ninety (90) days. If the Evansville City Council passes this vacation request, I would like to receive a copy of the recorded ordinance to be used for the purpose of updating our records.

Please contact my office should you have any questions or need any additional information.

Rick Bowen
Outside Construction Manager
SIGECOM/WOW
812-437-0395
rick_bowen@wideopenwest.com

Cc: file

Exhibit "F"



LLOYD WINNECKE
MAYOR

**EVANSVILLE WATER &
SEWER UTILITY**

ALLEN R. MOUNTS
DIRECTOR

1 NW Martin Luther King Blvd. Room 104 • Evansville, Indiana 47708
P O Box 19, Evansville, Indiana 47740-0001
(812) 436-7846 • FAX (812) 436-7863 • TDD (812) 436-7864

December 21, 2013
Mr. Bret Sermersheim
Morley and Associates, Inc.
4800 Rosebud Lane
Newburgh, IN 47630

Re.: Proposed Vacation – Alley and Oregon Street Right of Way at 800 E. Oregon Street

Mr. Sermersheim,

This letter is in response to your request to vacate the existing alley and rights of way near the above referenced address. The Utility has no reservation to this vacation request. If you have any questions, please call me at 421-2130 x2228.

Sincerely,

A handwritten signature in cursive script, reading "Michael D. Labitzke".

Michael D. Labitzke, PE
Deputy Director of Utilities - Engineering

RECEIVED

DEC 24 2013

Morley and Associates, Inc.

EXHIBIT "6"



City Engineer's Office
CIVIC CENTER COMPLEX, ROOM 321
1 N.W. MARTIN LUTHER KING, JR BLVD.
EVANSVILLE, INDIANA 47708-1875
Phone: (812) 436-4990 FAX: (812) 436-4976
TDD/Hearing Impaired (812) 436-4934

LLOYD WINNECKE
MAYOR

PATRICK R. KEEPPES, P.E.
CITY ENGINEER

January 3, 2014

Mr. Bret Sermersheim
Morley and Associates, Inc.
4800 Rosebud Lane
Newburgh, Indiana 47630

Re: 800 E. Oregon Street - Proposed Vacation of Public Ways

Dear Bret:

In regards to the above referenced subject and your letter dated December 16, 2013, the following comments are provided:

The areas proposed to be vacated are unimproved and appear to be utilized primarily for access to portions of the adjacent property. There also appear to be numerous encroachments in the form of fences, vehicles, materials, and debris by the adjacent property owner in the areas proposed to be vacated.

There are no public facilities under the jurisdiction of this office that are situated within the area proposed to be vacated. Vacation of these areas would have no effect on future plans of this office and would remedy the above detailed encroachments. As such, this office has no objections to the proposed vacation.

Thank you and please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick R. Keepes", is written over the typed name.

Patrick R. Keepes, P.E.
City Engineer

Cc: File

RECEIVED

JAN 07 2014

Morley and Associates, Inc.

EXHIBIT "H"

Bret Sermersheim - 800 E. Oregon St.-Vacate of public ways

From: "Singer, Brian" <Bsinger@evansvillefiredepartment.com>
To: "'brets@morleyandassociates.com'" <brets@morleyandassociates.com>
Date: 12/19/2013 10:23 AM
Subject: 800 E. Oregon St.-Vacate of public ways

The Evansville Fire Department has received your request for the vacate of public ways at 800 E. Oregon St. (Project # 9034.4.001A). I have reviewed the documents you have sent me, and the Fire Department has no objections to this proposal as shown in the engineering design.

Brian R. Singer
Fire Marshal
Evansville Fire Department
550 SE Eighth St.
Evansville, IN 47713
Phone: (812)436-4423
Fax:(812)435-6248
E-mail: bsinger@evansvillefiredepartment.com

Exhibit "I"

file:///C:/Users/Morley/AppData/Local/Temp/XPgrpwise/52B2C93Dgwdomaingwpo100... 12/19/2013
